

GREENSPOON MARDER LLP

BETH-ANN KRIMSKY (*pro hac vice anticipated*)

beth-ann.krimsky@gmlaw.com

LAWREN A. ZANN (*pro hac vice anticipated*)

lawren.zann@gmlaw.com

200 East Broward Blvd., Suite 1800

Fort Lauderdale, FL 33301

Telephone: 954.527.2427

Facsimile: 954.333.4027

NOSSAMAN LLP

JAMES H. VORHIS (SBN 245034)

jvorhis@nossaman.com

50 California Street, 34th Floor

San Francisco, CA 94111

Telephone: 415.398.3600

Facsimile: 415.398.2438

Attorneys for Defendant TOTAL MERCHANT SERVICES, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ABANTE ROOTER AND PLUMBING, INC.,

Plaintiff,

vs.

TOTAL MERCHANT SERVICES, LLC,

Defendant.

Case No: 3:19-cv-05711-EMC

**STIPULATION TO EXTEND TIME TO
RESPOND TO COMPLAINT**

Date Action Filed: September 11, 2019

1 Plaintiff, Abante Rooter and Plumbing, Inc. (“Abante”), and Defendant, Total Merchant
2 Services, Inc. (“TMS”), through their respective undersigned counsel, and pursuant to Fed. R.
3 Civ. P. 6 and Civ. L.R. 6-1 and 7-1, hereby stipulate as follows:

4 1. Abante filed this action against TMS alleging violations of the Telephone
5 Consumer Protection Act, 47 U.S.C. § 227 (the “TCPA”).

6 2. TMS’ response to the complaint filed in this action is due on or before October 8,
7 2019.

8 3. TMS recently retained the undersigned to investigate and defend the allegations
9 and claims asserted against it by Abante in this action.

10 4. Counsel for TMS and counsel for Abante have had multiple discussions and have
11 exchanged information concerning the merits of this action in an attempt to reach an early
12 resolution, which discussions and exchange of information is ongoing.

13 5. In light of TMS’ recent retention of counsel compounded by the continuing
14 discussions between the parties concerning an early resolution of this matter, and to conserve
15 judicial and party resources, the parties have agreed to extend the time for TMS to respond to the
16 complaint by fourteen (14) days up to and including Tuesday, October 22, 2019, so that TMS
17 may continue its investigation of the allegations and claims asserted by Abante and continue its
18 communications with Abante concerning an early resolution of this matter.

19 6. No party will be prejudiced by the extension agreed to herein, and good cause
20 exists to extend TMS’ time to respond to Abante’s complaint.

21 7. This stipulation will not alter any deadlines established by the Court.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 WHEREFORE, IT IS HEREBY STIPULATION by and between the parties, through
2 their respective counsel, that TMS shall answer or otherwise respond to the complaint on or
3 before Tuesday, October 22, 2019.

4
5 Dated: October 7, 2019

Respectfully,

6 LOZEAU DRURY LLP
7 REBECCA DAVIS

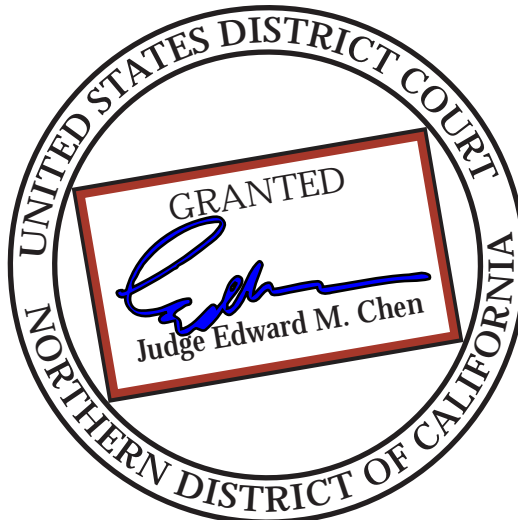
NOSSAMAN LLP
JAMES H. VORHIS

8
9 By:/s/ Rebecca Davis
Rebecca Davis

By:/s/ James H Vorhis
James H. Vorhis

10 *Attorneys for Plaintiff ABANTE*
11 *ROOTER AND PLUMBING, INC.*

Attorneys for Defendant TOTAL
MERCHANT SERVICES, LLC



12
13
14
15
16
17
18 Dated: 10/15/2019
19
20
21
22
23
24
25
26
27
28